

**REMARKS**

The present filing is responsive to the Office Action.

**Summary of the Response**

Claims 1, 3, 12 and 14 have been amended. Claims 1-20 remain pending in this application. Reexamination and reconsideration of the present application as amended are respectfully requested.

**Claim Rejections Under 35 USC 102**

Claims 1, 6, 8-12, 17 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Harsch (US 3,785,721). This rejection is respectfully traversed.

While Applicant does not agree with the rejection, Applicant amended independent claims 1 and 12 to include part of the limitations of claims 3 and 14, respectively, namely an optical axis of one polarized plate is substantially parallel to said rubbing direction (of the alignment film). Harsch clearly does not disclose this configuration.

Accordingly, independent claims 1 and 12, and all claims dependent therefrom, are not anticipated by Harsch.

**Claim Rejections Under 35 USC 103**

Claims 2-5 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harsch as applied to claims above. Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penn as applied to claims above. These rejections are respectfully traversed.

In light of the incorporation of part of the limitations in dependent claims 3 and 14 respectively into independent claims 1 and 12, Applicant will address this rejection with respect to claims 1 and 12 as amended.

On the outset, Applicant notes that the Examiner did not discuss correspondence of each and every dependent claim to the relevant structures disclosed in Harsch. For example, the Examiner has not identified which structures in Harsch correspond to each and every element recited in claims 3 and 14 (namely, an optical axis of one polarized plate is substantially parallel to said rubbing direction of the alignment film). The Examiner merely referred to the "cross Nichols way" limitation of claims 2 and 13, and deemed such to be based on obvious design choice. The Examiner did not point to which structures in Harsch correspond to the recited substantial parallel polarized plate optical axis and rubbing direction of alignment film. The Examiner is requested to identify the corresponding structure in Harsch in support of relevance to the claimed elements, and to elaborate the basis of his rejection. Applicant should not be burdened to guess how the Examiner intended to rely on Harsch.

In addition to the differences between the structure disclosed in Harsch and the claimed structure, the purpose of the structure disclosed in Harsch is different from the purpose of the present invention. Applicant notes that the purposes stated in Harsch is to achieve continually varying colors for its liquid crystal device, and the color obtained will be complementary to that obtained with cross polarizers. [See, Harsch, e.g., at Abstract; col. 1, lines 37+; and col. 2, lines 15+.] This is irrelevant to and different purpose from that of the recited inventive structure. For the present invention, the display apparatus viewing angle is controlled to make image visible or make invisible in particular direction. As disclosed in the specification, the recited structure

achieve this purpose. Instead, the Examiner referred to a particular structure in Harsch that is structured and positioned to achieve continually varying color variations.

Referring to the Abstract of Harsch, it is directed to the provision of a polarizer at 45° to the rubbed direction. In contrast, for the recited invention, the polarizer is aligned substantially parallel to the rubbing direction.. The Harsch structure does not address control of viewing angle of the display; it instead addresses producing vary colors in the display.

Accordingly, Applicant respectfully submits that it would not be reasonable to simply apply hindsight to realign various structures in Harsch to obtain the optical structure of the present invention. Given the nature of optical elements, the relative positions/alignments of the various layers relative to one another involves important design considerations, in order to be able to achieve the desired optical effect by the structures recited in claims 1 and 12 as amended (namely, to control viewing angle for visible and non-visible images). The optical properties of the various layers of the recited structure are specifically chosen to interact in a specific manner, to achieve the recited optical effect. On the other hand, the optical properties of the various layers in Harsch are specifically chosen to interact in a specific manner different from the present invention, to achieve the objectives intended by Harsch (namely, to provide continually varying color).

It would be unreasonable for the Examiner to simply rearrange the optical layers in Harsch and randomly applied that to the present invention. There is no indication anywhere in Harsch that it would be desirable to implement a liquid crystal display having viewing angle controlled for visible and non-visible image, let alone the specific optical structure recited in claims 1 and 12 as amended. Simply rearranging the layers in Harsch without consideration of the optical interactive effects achieved by the recited structure would amount to hindsight

reconstruction, made possible only with the benefit of the disclosure of the present invention. The recited optical structure in claims 1 and 12 as amended have an interactive effect. Consequently, the claimed structure is more than merely rearranging the structure by mere design choice. Therefore, it would not have been obvious to rely on Harsch, because the results would not have been predictable or expected, without additional disclosure found only in the present invention. The Examiner has not set forth a prima facie case of obviousness.

Accordingly, given the missing disclosure in Harsch, and the non-obvious modifications to Harsch, the Examiner has not established prima facie obviousness with respect to claims 1 and 12 as amended (or claims 3 and 14 as previously presented), and all claims dependent therefrom.

### CONCLUSION

In view of all the foregoing, Applicant submits that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited. The Examiner is invited to call the undersigned representative to discuss any outstanding issues that may not have been adequately addressed in this response.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to Deposit Account No. 501288 referencing the attorney docket number of this application.

Respectfully submitted,



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